



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार 11 अगस्त, 2006 / 20 श्रावण, 1928

हिमाचल प्रदेश सरकार

URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 11th August, 2006

No. UD-A(3)-2/2006.—The following Door to Door Garbage Collection Bye-laws made by the Shimla Municipal Corporation in exercise of the powers conferred by section 395 of the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994) having been approved by the State Government as required under section 397(1) of the aforesaid Act, are hereby published for general information and shall come into force within the limits of Shimla Municipal

Corporation from the date of publication of this notification in the Rajpatra, Himachal Pradesh (extra-ordinary), namely:—

Municipal Corporation Shimla Door to Door Garbage Collection Bye-Laws, 2006

Aims & Objectives:

The Hon'ble High Court of Himachal Pradesh has issued directions to the Municipal Corporation Shimla in the CWP (PIL) No. 543/03 titled as "*Trisha Sharma Vs State of H.P. & Others*" to formulate a scheme for door to door collection of garbage in Shimla town as envisaged in the Solid Waste (Management & Handling) Rules, 2000. Accordingly a Scheme was formulated and brought before the Special Meeting of Municipal Corporation House held on 26-9-2003. The House recommended the charges for different categories as mentioned in the scheme and further submitted to the Govt. of H.P. for its approval. The door to door Garbage Collection scheme was also brought to the notice of the Hon'ble High Court of H.P. on 15-10-03. In anticipation of the approval of the aforesaid scheme by the Government of H.P., the directions were issued by the Hon'ble Court on 15-10-03 to make the scheme operational by 1st of November, 2003. The State Government on 28-10-2003 gave its approval and fixed the charges for different categories. The scheme was made operational *w.e.f.* 1st November, 2003 in different wards to give vide publicity to the scheme an appeal through Handbills and also on the cable TV was also made. The Commissioner and MC Officers held ward-wise meetings with the residents of the localities along with the operating NGO's in the respective areas for the implementation of the said scheme. To make this scheme successful HOD's of various Departments falling within the M.C. limits were also requested and Resident Welfare Committees were also constituted in each ward headed by the local Councillor and further provisions were also made in the H.P. Municipal Corporation Act to make the scheme mandatory for all residents residing in M.C. area by amending the Act. In spite of all the above efforts made by M. C. Shimla, the results were not encouraging. The Hon'ble High Court of H.P. on 27-3-06 was pleased to give further directions to M. C. Shimla pertaining to the door to door garbage collection as follows:—

- (i) Door to door collection of garbage scheme should be rejuvenated with full vigour and all out efforts should be made to make the scheme a full success;
- (ii) Municipal Corporation Shimla as a policy matter shall decide to completely do away with garbage containers in Shimla town. The garbage collected under the door to door scheme shall be carried to the garbage disposal points/location;
- (iii) The Commissioner shall consider the efficacy, feasibility and desirability, in best public interest of out-sourcing the execution and implementation of this scheme;
- (iv) All commercial units operating in Shimla town, especially those units which are in business and which produce garbage shall be made liable to bear proportionate and commensurate expenses towards meeting the cost and the expenditure of this scheme;
- (v) Provision shall also be made to ensure that every household and every institution of Shimla town is made a member of this scheme;
- (vi) Stringent provisions shall be made to ensure that no member of the scheme defaults in any manner about the payment of the monthly charges ; and

- (vii) Provisions shall also be made that every member of the scheme and every body concerned fully co-operates with the Corporation and the person to whom it is out-sourced for effective implementation of the scheme. Municipal Corporation Shimla was further directed to present a draft of above Bye-laws to the Hon'ble Court for its perusal before the next date. Thus, in accordance with the directions given by the Hon'ble court on 27-3-06, the Bye-laws for said scheme of "Door to Door Garbage Collection" have been formulated under section 395 of H.P. Municipal Corporation Act, 1994 as under:-

CHAPTER-I PRELIMINARY

1. Short title, commencement and application.—(1) These Bye-laws may be called the, "Municipal Corporation Shimla Door to Door Garbage Collection Bye-laws, 2006."

(2) These Bye-laws shall come into force from the date of their publication in Rajpatra, Himachal Pradesh.

(3) These Bye-laws shall apply to all the inhabitants of Municipal Corporation, Shimla, the State and Central Government Offices and all other establishments and also to any person temporarily entering the territorial jurisdiction of Municipal Corporation Shimla for whatsoever purpose.

2. Definitions .—(1) In these Bye-laws, unless the context otherwise requires:—

- (a) "Act" means the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994) ;
- (b) "authorized officer" means the Corporation Health Officer, Chief Sanitary Inspector, Sanitary Inspector or any other person or agency duly authorized by the Commissioner ;
- (c) "biodegradable substance" means a substance that can be degraded by micro-organisms;
- (d) "biomethanation" means a process which entails enzymatic decomposition of the organic matter by microbial action to produce methane rich biogas;
- (e) "bakeries" means the establishment where the items like cakes, cookies, pastries patties, burgers etc. are cooked or sold ;
- (f) "cinema hall" means where the movie are shown to general public on payment basis and shall include Video Hall and Drama Theatre etc.;
- (g) "club" means a group of people who meet together regularly for a particular activity, sports etc;
- (h) "collection" means lifting and removal of solid wastes from collection points or any other location ;
- (i) "composting" means a controlled process involving microbial decomposition of organic matter;
- (j) "dhaba" means commercial establishment where the food is cooked and served;
- (k) "dharamshala" means a house providing boarding and lodging facilities;

- (l) "demolition and construction waste" means wastes from building material, debris and rubble resulting from construction, re-modeling, repair and demolition operation ;
- (m) "disposal" means final disposal of municipal solid wastes in terms of the specified measures to prevent contamination of ground-water, surface water or ambient air quality ;
- (n) "establishment" means any premises wherein any activity, in whatsoever manner is carried out for providing services to the public including religious and social organizations ;
- (o) "food joint and bakeries out let" means a place where the eatables are served or bought, generally not having sitting arrangement ;
- (p) "garbage"-means Solid Waste generated as a refuse due to human activity which includes, refuse, silt, rubbish, filth or other polluted and obnoxious matters generated by households and commercial establishments;
- (q) "generator of wastes" means persons or establishments generating municipal solid waste ;
- (r) "health officer" means the Corporation Health Officer duly appointed by the Government of Himachal Pradesh ;
- (s) "hostel" means a place where students, trainee, working men or women etc. reside for a particular period ;
- (t) "household" means the dwelling unit in a particular building occupied by owner, tenants, or any other occupant ;
- (u) "hotel or guest house" means the establishment, with or without adequate arrangement of food, where one can stay overnight;
- (v) "inhabitant" means a person who is permanently or temporarily residing within the territorial limits of Corporation ;
- (w) "landfilling" means disposal of residual solid wastes on land in a facility designed with protective measures against pollution of ground water, surface water and air fugitive dust, wind blown litter, bad odour, fire hazard, bird menace, pests or rodents, greenhouse gas emissions, instability and erosion;
- (x) "leachate" means liquid that seeps through solid wastes or other medium and has extracts of dissolved or suspended material from its ;
- (y) "municipal solid waste" includes commercial and residential wastes generated in a municipal or notified areas in either solid or semi-solid form excluding industrial hazardous wastes but including treated bio-medical wastes ;
- (z) "occupier" includes any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable and also include a tenant;
- (z-a) "operator of a facility" means a person who owns or operates a facility for collection, segregation, storage, transportation, processing and disposal of municipal solid wastes and also includes any other agency appointed as such by the municipal authority for the management and handling of municipal solid wastes in the respective areas;
- (z-b) "pan shop" means the out let where mainly tobacco items like Pan, Cigarette or Pan Masala etc. are kept and sold ;
- (z-c) "processing" means the process by which solid wastes are transformed into new or recycled products ;

- (z-d) "restaurant" means commercial establishment where the meals and other eatables are bought and served ;
- (z-e) "receptacle" means a container for putting garbage temporarily for some time;
- (z-f) "segregation" means to separate the municipal solid wastes into the groups of organic, inorganic, recyclables and hazardous wastes ;
- (z-g) "storage" means the temporary containment of municipal solid wastes in a manner so as to prevent littering, attraction to vectors, stray animals and excessive foul smell ;
- (z-h) "special judicial magistrate 1st Class" means the Judicial Magistrate having jurisdiction over the area of Corporation, Shimla under Act ;
- (z-i) "transportation" means conveyance of municipal solid wastes from place to place hygienically through specially designed transport system so as to prevent foul odour, littering, unsightly conditions and accessibility to vectors ;
- (z-j) "tenant" means a person who holds land or house etc. on lease or rent ;
- (z-k) "tea shop" means the shop where tea, biscuits, cookies or other eatables are served; and
- (z-l) "workshop" means a place or premises where the repair work of any kind is carried out and shall include saw mills, garage, repair shops, black smith, motor vehicle repair shops etc.

(2) Words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act or Rules, Regulations or Bye-Laws made thereunder.

CHAPTER-II PROHIBITION ON LITTERING

3. Prohibition on littering .—(1) No owner or occupier of any premises shall keep or allow to be kept for more than twenty four hours, otherwise than in a receptacle approved by the Commissioner, any garbage on such premises or any place belonging thereto or neglect to employ proper means to remove such garbage from or to cleanse, such receptacles and to dispose such garbage in the manner directed by the Commissioner, or fail to comply with any requisition of the Commissioner as to the construction, repair, pavement or cleansing of any latrine or urinal belonging to the premises.

(2) No owner or occupier shall dispose off any garbage to run down or to be thrown into any drain sink or any other place within Municipal Area except in such a manner as shall prevent any avoidable nuisance.

(3) No owner or occupier shall deposit any garbage in any street, on the verandah of any building, any unoccupied ground along side, any street, on the bank of a water course, any dustbin, vehicle or vessel not intended for the removal of the same.

CHAPTER-III SEGREGATION/COLLECTION OF BIO-MEDICAL WASTE

4. Segregation of bio-medical waste.—(1) The bio-medical waste shall be managed in accordance with the provisions as laid down under the Bio-Medical Waste (Management and Handling) Rules, 1998, and shall not be mixed up with other garbage.

(2) The bio-medical waste generated at the Hospitals such as Dental Hospital, Ayurvedic Hospital, Community Health Centers, Primary Health Centers, Nursing Homes, Clinics, Dispensaries, Medical/Clinical Laboratories, Forensic Laboratories etc. shall be segregated in accordance with the provisions of the Bio-Medical Waste (Management and Handling) Rules, 1998 and the waste generator shall segregate this waste in the colour coded bags.

5. Collection of bio-medical waste .—(1) Collection of bio-medical waste, the bio-medical waste shall be collected separately and shall not be allowed to be mixed with other municipal solid waste and be collected in colour coded bags in accordance with the provisions of the Bio-Medical Waste (Management and Handling, Rules 1998, which shall be carried to the incinerator site for further safe disposal by designated or authorized agency.

6. Collection of garbage.—(1) There shall be assessable areas where it may be feasible to deploy a collection Van for primary collection of waste.

(2) The garbage shall be collected from each house hold once in a day or such time as may be fixed by the Commissioner and shall be deposited by the collecting staff into the Van stationed at specified places, and the waste so collected shall be transported to the Bio-Conversion Plant/plant site or directly to a transfer station from where the same may be shifted to the Bio-Conversion Plant.

(3) In the inaccessible areas, the garbage shall be collected by the authorized person or agency at a notified time which shall be carried to the predetermined points for further disposal, and the waste so collected shall be transferred to the Solid Waste Treatment Plant in a manner as may be specified by the Commissioner.

7. Collection of garbage by outsourcing.—(1) The door to door garbage collection scheme shall be implemented by outsourcing.

(2) The Monthly rates for collection of garbage shall be notified by the Commissioner from time to time and the Commissioner shall have power to amend the monthly rates accordingly.

(3) The service charges shall be collected in a manner as may be specified by the Commissioner.

(4) The other categories for the purpose of levy of charges shall be included by Municipal Corporation from time to time and such charges may also be revised by him accordingly.

(5) The monthly charges shall be paid by the owner, occupant or tenant as the case may be and in case of non-payment of such charges the civic amenities like water, electricity, sewerage shall be liable to be withdrawn after affording an opportunity of being heard.

CHAPTER-IV COMMUNITY PARTICIPATION

8. Residents Welfare Committees.—(1) The Resident Welfare Committee may be constituted in each ward which may help the Garbage Collecting Agency for successful implementation of door to door Garbage Collection Scheme in their ward.

(2) The Committee may generate awareness in the local area and also keep a watch on the services being provided by the said agency and shall also provide regular feed back to the Commissioner.

(3) Any area surrounded by community which are found littered with garbage will lead to community challaning of all those people residing in that area.

(4) The Resident Welfare Committees may be assigned the work of door to door garbage collection on the rates fixed by the Commissioner, in mutual agreement with the outsourced agency conversely, the outsourced agency for door to door garbage collection may provide all the cleaning (civic services available in the area concerned on mutually agreeable terms with the Resident Welfare Committee concerned.

CHAPTER-V OFFENCES AND PENALTIES

9. Penalty.—Whosoever contravenes the provision of these Bye-laws shall be, in addition to the penalties as provided under the Act, liable for dis-connection of water, electricity and other civic amenities and the Commissioner may request the competent authority to withdraw registration/recognition, if any, granted in his favour.

CHAPTER-VI MISCELLANEOUS

10. Repeal and savings.—(1) The scheme, regulation or Bye-laws, if any, relating to the door to door collection of garbage is hereby repealed.

(2) Anything done or any action taken under the Scheme, Regulation or, if any, so repealed shall be deemed to have been done or taken under the provisions of these Bye-laws.

By order,
Sd/-
Principal Secretary.

